REMARKS

The specification has been amended to correct an error in translation which renders the specification internally inconsistent. That is, the statement in paragraph [0043] that relative rotation between the turbine wheel hub 33 and the turbine wheel base 31 is "not" possible, is in conflict with the statement in paragraph [0051] that the take-off side element 106 is connected nonrotatably for the turbine wheel hub 33, but is able to rotate relative to the turbine wheel. Clearly, relative rotation between the hub 33 and the base 31 in Figure 1 must be possible. Otherwise, the take-off side element 106 could not rotate relative to the intermediate transmission element 94.

In the embodiment of Figure 2, on the other hand, a weld 122 which prevents relative rotation between the hub 33 and the turbine wheel base 31 is clearly shown and described. In this embodiment, however, the mass element 112 is not connected to the actuation point 120, so that relative rotation between the take-off side element 106 and the intermediate transmission element is still possible.

In view of the foregoing it is believed that one of ordinary skill would not only detect the error in paragraph [0043], but would know to correct it by deleting the word "not".

Claim 3 has been amended to address the objection. Claims 1 and 2 have been amended to address the rejections under 35 U.S.C. §112, second paragraph.

Claim 1 has been amended to clarify that the fixing of the mass element to the actuation point prevents relative rotation of mass element relative to the intermediate element, and to explicitly recite that the mass element is rotatable relative to both the drive side transmission element and the take-off side transmission element. The drive-side connecting device thus functions as a standard damper, and the take-off side connecting device functions as a turbine damper.

Claim 1 stands rejected as anticipated by DE 199 20 542, which corresponds to U.S. 6,695,110 to Maienshein et al.

The examiner states that DE '542 discloses a torsional vibration damper comprising a drive-side connecting device 118 including a drive-side transmission element, a take-off side connecting device 117 including a take-off side transmission element, an intermediate transmission element 127 having an actuation point 127b, a first energy storage device 128a, a second energy storage device 128b, and a mass element defined by the inherent mass of the turbine. However the turbine wheel in DE '542 is not "fixed" to the intermediate element 127. Rather, the teeth 126 welded to the turbine wheel at 122 are received in openings 120 which permit relative rotation within limits. Thus, while applicants feel that the original claim language defined clearly over DE '542, the further recitation that the mass element cannot rotate relative to the intermediate element leaves no doubt.

Further, it will be noted that the turbine wheel 110 of DE '542 cannot rotate relative to the take-off side transmission element 117. It will thus be clear that both energy storing devices 128a, 128b serve to damp vibrations of the turbine; there is no standard damper, and drive-side vibrations are not damped as effectively as they are in the apparatus of the invention as claimed.

Since the apparatus disclosed in DE '542 and the corresponding U.S. patent fails to meet important limitations of claim 1, it does not qualify as an anticipation. Further, since any modification to meet the claim limitations would completely change the principle of operation of the device in DE '542, it cannot be obvious in view of any additional teaching.

Since claim 1 as presently amended is believed to define patentably over the art of record, withdrawal of the rejections and early allowance are solicited. Further, since claim 1 is

generic to withdrawn claims 10, 11, 16, 17 and 21-36, reinstatement and allowance of these claims is also solicited.

If any objections remain, a call to the undersigned is requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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